IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13954 of 2005

Between:

1 Addala Suryanarayana S/o. Veera Raghavulu,
R/o. Medapadu, Elamanchili, Mandal, West Godavari District.
2 Ivaturi Radhakrishna Murthy, S/o. Subrahmanyeswara Rao,
R/o. Medapadu, Elamanchili Mandal, West Godawari Dist.

..... PETITIONERS

AND

1 The District Collector, West Godavari Dist, Eluru.
2 The Revenue Divisional Officer, Narsapur, West Godavari Dist.
3 The Mandal Revenue Officer, Elamanchili Mandal,
Elamanchili, West Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ, order or direction calling for the records pertaining to proceedings R.O.C.No.S.W./f5.G2 19/2005 dt.20.4.2005 issued under section 4 (1) of the Land Acquisition Act and the proceedings R.C.F. 519-2005 S.W Department Dt 11-5-2005 issued under section 6 of the Land Acquisition Act by the District Collector, west Godavari Dist. Eluru, 1st respondent herein and quash the same to the extent of the land admeasuring Ac. 0.73 cents belonging to the 1st petitioner and the land admeasuring Ac.0.93 cents belonging to the second petitioner situated in S.Nos. 135/5, 135/11B, 136/2 and S.No. 149/9B of Madapadu village, Elamanchili Mandal, west Godavari District and pass such further order or orders as this Ho'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Certiorari, calling for the records pertaining to proceedings ROC No. SW/F5.G2 19/2005 dated 20.4.2005 issued under Section 4(1) of the Land Acquisition Act and the proceedings RCF 519-2005 S.W Department dated 11.5.2005 issued under Section 6 of the Land Acquisition Act by the District Collector, West Godavari District, Eluru, first respondent herein and quash the same to the extent of the land admeasuring Ac. 0.73 cents belonging to the first petitioner and the land admeasuring Ac. 0.93 cents belonging to the second petitioner situated in S.Nos. 135/5, 135/11B, 136/2 and S.No. 149/9B of Medapadu Village, Elamanchili Mandal, West Godavari District.

The learned counsel appearing for the petitioners submits that the subject matter of this writ petition is squarely covered by the judgment of this court rendered in W.P.No. 12436 of 2005 dated 14.6.2005.

Recording the same and following the judgment of this court rendered in W.P.No. 12436 of 2005 dated 14.6.2005, this Writ Petition is also disposed of and the respondents are directed to give an opportunity to the petitioners to explain their case for consideration of the respondents. The respondents are directed to conduct enquiry under Section 5-A of the Act and take appropriate steps. Consequently, the action of the respondents in dispensing with Section 5-A enquiry is held to be invalid and is accordingly set aside. Respondents are further directed not to dispossess the petitioners from the land and the petitioners are directed not to alienate or change the nature of the land. No order s to costs.

E. DHARMA RAO, J

DATED: 29/06/2005

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To

1 The District Collector, West Godavari Dist, Eluru.
2 The Revenue Divisional Officer, Narsapur, West Godavari Dist.
3 The Mandal Revenue Officer, Elamanchili Mandal,
Elamanchili, West Godavari Dist.

4. Two CCs to G.P. for Land Acquisition, High Court of A.P., Hyderabad (OUT)

5. Two CD copies.

6. 1 CC to MR.SESHA SAI